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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

Nos. 75-62, 75-66 and 75-278

RUSSELL L. RUNYON, et ux, *Petitioners,*

v.

MICHAEL C. McCRARY, etc., et al., *Respondents,*

FAIRFAX-BREWSTER SCHOOL, INC., *Petitioner,*

v.

COLIN M. GONZALES, etc., et al., *Respondents,*

SOUTHERN INDEPENDENT SCHOOL ASSOCIATION, *Petitioner,*

v.

MICHAEL C. McCRARY, etc. et al., *Respondents.*

On Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

MOTION OF THE NATIONAL EDUCATION ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

and

BRIEF AMICUS CURIAE

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MOTION OF THE NATIONAL EDUCATION ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

INTEREST OF AMICUS CURIAE

The National Education Association (NEA) hereby moves, pursuant to Rule 42 of the Rules of this Court, for leave to file the attached brief amicus curiae on the merits in the above entitled cause. Respondents and certain petitioners have consented to the filing of the attached brief.

but other petitioners have withheld their consent. Accordingly, NEA seeks leave of the Court to file its brief.

The National Education Association is an independent, voluntary organization of educators open to any person who is actively engaged in the profession of teaching or other educational work, or any other person interested in advancing the cause of education. It presently has approximately one million seven hundred thousand regular members, and is the largest professional organization in the nation. NEA was first organized in 1857 and was chartered by a special act of Congress in 1906. Its statutory purpose is

> "to elevate the character and advance the interests of the profession of teaching, and to promote the cause of education in the United States." (34 Stat. 805.)

The overall policies of NEA are determined by its Representative Assembly, a body composed of approximately 7,000 delegates representing affiliated local and state education associations.

A major interest of NEA is to secure equality of education and sound education for children of all races. It is convinced that segregated education is not only inherently unequal but adversely affects the quality of education afforded to all students, not least by denying them adequate preparation for living and working in a society in which they must deal with persons not of their own race.

NEA has followed developments in the "segregation academy" movement, has testified to the Senate Select Committee on Equal Educational Opportunity[1] concerning

[1] Hearings Before the Select Senate Committee on Equal Educational Opportunity, 91st Cong. 2d Sess., chaired by Senator Mondale (1970).

school desegregation,[2] and has reviewed the reports on the segregation academies in the general press and in the educational[3] and legal literature.[4] As discussed more fully in the attached brief, NEA is convinced that "segregation academies" adversely affect public school desegregation and public education in this nation, and believes that its views, and the facts set forth in the attached brief, will be of assistance to this Court.

[2] NEA and its state affiliates have participated as amicus curiae in other major proceedings involving issues of school desegregation. *See Keyes v. School Dist. No. 1, Denver*, 413 U.S. 189 (1793); *School Bd. of the City of Richmond, Va. v. State Bd.*, 412 U.S. 92 (1973); *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971); *Alexander v. Holmes County Bd. of Educ.*, 396 U.S. 19 (1969); *Milliken v. Bradley*, 418 U.S. 717 (1974); and *Pasadena City Bd. of Educ. v. Spangler*, No. 75-164 (O.T. 1975).

[3] A selection of writings on the segregation academy movement is set forth in the Appendix to the accompanying brief.

[4] *See*, Note, Federal Power to Regulate Private Discrimination: The Revival of the Enforcement Clauses of the Reconstruction Era Amendments, 74 Colum. L. Rev. 449 (1974); Note, Desegregation of Private Schools: Section 1981 as an Alternative to State Action, 62 Geo. L.J. 1363 (1974); Note, Segregation Academies and State Action, 82 Yale L.J. 1436 (1973); Comment, Jones v. Alfred H. Mayer Co. Extended to Private Education: Gonzales v. Fairfax-Brewster School, Inc., 122 U. Pa. L. Rev. 471 (1973); Recent Decisions, 45 Miss. L.J. 246 (1974); Recent Decisions, 8 U. Rich. L. Rev. 285 (1974); Recent Cases, 42 U. Cin. L. Rev. 767 (1973); Recent Cases, 26 Vand. L. Rev. 1307 (1973).

Wherefore, the National Education Association requests that this Court grant leave to file the accompanying brief amicus curiae in support of the decision below.

Respectfully submitted,

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BRIEF OF THE NATIONAL EDUCATION ASSOCIATION AS AMICUS CURIAE

INTEREST OF AMICUS CURIAE

The National Education Association is an independent, voluntary organization of educators open to any person who is actively engaged in the profession of teaching or other educational work, or any other person interested in advancing the cause of education. It presently has approximately one million seven hundred thousand regular members, and is the largest professional organization in the nation. NEA was first organized in 1857 and was chartered by a special act of Congress in 1906. Its statutory purpose is

> "to elevate the character and advance the interests of the profession of teaching, and to promote the cause of education in the United States." (34 Stat. 805.)

The overall policies of NEA are determined by its Representative Assembly, a body composed of approximately 7,000 delegates representing affiliated local and state education associations.

A major interest of NEA is to secure equality of education for children of all races. It is convinced that segregated education is not only inherently unequal but adversely affects the quality of education afforded to all students, not least by denying them adequate preparation for living and working in a society in which they must deal with persons not of their own race.

NEA has followed developments in the "segregation academy" movement, has testified to the Senate Select Committee on Equal Educational Opportunity[1] concerning school desegregation,[2] and has reviewed the reports on the segregation academies in the general press and in the

[1] Hearings Before the Select Senate Committee on Equal Educational Opportunity, 91st Cong. 2d Sess., chaired by Senator Mondale (1970) (hereinafter "Mondale Hearings") at 995-1169. The record of the Mondale Hearings is an important compendium of data on the segregation academy movement.

[2] NEA and its state affiliates have participated as amicus curiae in other major proceedings involving issues of school desegration. *See Keyes v. School Dist. No. 1, Denver*, 413 U.S. 189 (1973); *School Bd. of the City of Richmond, Va. v. State Bd.*, 412 U.S. 92 (1973); *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971); *Alexander v. Holmes County Bd. of Educ.*, 396 U.S. 19 (1969); *Milliken v. Bradley*, 418 U.S. 717 (1974); and *Pasadena City Bd. of Educ. v. Spangler*, No. 75-164 (O.T. 1975).

educational[3] and legal literature.[4] As discussed more fully herein, NEA is convinced that "segregation academies" adversely affect public school desegregation and public education in this nation, and believes that its views, and the facts set forth herein will be of assistance to this Court.

SUMMARY OF ARGUMENT

This case presents a single issue: does 42 U.S.C. §1981[5] prohibit private schools from denying admission to qualified black applicants solely on the basis of their race?

Since *Brown v. Board of Education*, 374 U.S. 483 (1954), hundreds of racially segregated private schools, commonly known as "segregation academies," have been established, and hundreds are in operation today. This development of new segregated school systems undermines this Court's efforts "to eliminate dual systems and establish unitary systems" for the nation's elementary and secondary

[3] A selection of writings on the segregation academy movement is set forth in the Appendix.

[4] *See*, Note, Federal Power to Regulate Private Discrimination: The Revival of the Enforcement Clauses of the Reconstruction Era Amendments, 74 Colum. L. Rev. 449 (1974); Note, Desegregation of Private Schools: Section 1981 as an Alternative to State Action, 62 Geo. L.J. 1363 (1974); Note, Segregation Academies and State Action, 82 Yale L.J. 1436 (1973) (hereinafter "Segregation Academies"); Comment, Jones v. Alfred H. Mayer Co. Extended to Private Education: Gonzales v. Fairfax-Brewster School, Inc. 122 U. Pa. L. Rev. 471 (1973); Recent Decisions, 45 Miss. L.J. 246 (1974); Recent Decisions, 8 U. Rich. L. Rev. 285 (1974); Recent Cases, 42 U. Cin. L. Rev. 767 (1973); Recent Cases, 26 Vand. L. Rev. 1307 (1973).

[5] "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

schools. *Swann v. Board of Education*, 402 U.S. 1, 6 (1971). By indoctrinating hundreds of thousands of school children — including future community leaders — to believe in racial segregation, segregation academies stimulate and reinforce community attitudes that can only be inimical to effective public school desegregation. Moreover, segregation academies have undercut public school desegregation by siphoning off white students, and by draining scarce resources and community commitment away from public school systems. This Court should not allow these institutions to fulfill the ignoble purpose for which they were created — namely, to permit white parents, faced with public school desegregation, to send their children to schools which exclude black children. Because of the public impact of racially-segregated private schools, this Court should hold that 42 U.S.C. § 1981, which guarantees black citizens the right to make and enforce contracts on the same basis as white citizens, should encompass the right of otherwise qualified black students to attend the academies and other private schools without exclusion solely on the basis of their race.

ARGUMENT

I. Segregation Academies Undermine Public School Desegregation By Indoctrinating Hundreds of Thousands of White Children to Believe in Their Racial Superiority.

The segregation academy movement in the South took its impetus from this Court's *Brown* decision in 1954, and began to accelerate rapidly following the passage of the Civil Rights Act of 1964 and this Court's decision in *Green v. New Kent County School Board*, 391 U.S. 430 (1968). In 1970 testimony before the Senate Select Committee on Equal Education Opportunity, the Director of the Southern Regional Council's Leadership Project estimated that enrollment in the academies at that time was "as much as ten times as great as before

passage of the Civil Rights Act of 1964."[6] In the eleven-state South, with a 1970 public school enrollment of about 11,700,000 students, approximately 400,000 then attended private schools.[7] While a few of those students attended the older "independent" private schools,[8] the vast majority attended the newer academies founded in the wake of public school desegregation. Thus, in Alabama, Florida, Louisiana, Mississippi and the Carolinas, the number of private schools more than doubled between 1954 and 1967, and some 168 new private schools opened in those states between 1964 (when the Civil Rights Act became law) and 1967.[9] Evidence of the racial

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[6] Mondale Hearings at 1932.

[7] *Id.* at 1931-32. Another commentator estimated that two years later, about 535,000 students were enrolled in the academies, an increase from about 25,000 in 1966. *Segregation Academies, supra*, 82 Yale L.J. at 1441 (1973) (hereinafter "Segregation Academies"). In a recent press report, it was estimated that "some 3,500 of these schools now operate in the South with a total enrollment of 750,000, or 10% of the region's white school children." *Time*, December 15, 1975, at 54.

[8] The South has not had a strong tradition of "private" or "independent" college preparatory schools such as serve affluent groups in the Northeast and elsewhere. Outside of Virginia, few college preparatory schools existed in the South during the first half of the century (J. PALMER, THE IMPACT OF PRIVATE EDUCATION IN THE RURAL SOUTH (1974) (in NEA library)), and only 40 of the nation's 1,000 independent schools are located in the South, with half that number in Virginia and Florida. *See* BUNTING, PRIVATE INDEPENDENT SCHOOLS: THE AMERICAN PRIVATE SCHOOLS FOR BOYS AND GIRLS: A DIRECTORY AND GUIDE FOR PARENTS AND TEACHERS (1969). Children of affluent white parents in the South have tended to attend public schools. Only in Louisiana, where a relatively large Catholic population has supported an extensive parochial school system, have non-public schools been a significant factor.

[9] Mondale Hearings at 1932. See *Segregation Academies, supra* at 1448 (including the report that the Southern Independent School Association claimed to represent 396 academies, with enrollments of 176,000 students, in 1971), and the *Time* report, n.7, *supra*, for more recent estimates. Hard statistical data on the schools and their enrollments is difficult to obtain. *Palmer, supra* at 12.

purpose for this growth may be found in the active support given the academies by the segregationist "Citizens Council" movement. On September 16, 1964, the Citizens Council's official publication, "The Citizen," published an article entitled "How to Start a Private School" and prefaced it thus:

> "The revolutionary attempt to force racial integration on the United States is the immediate occasion for a sudden new interest in private schools . . . ."[10]

The Councils later reissued information about the formation of academies. (*Id.*) That the views attributed to the Citizens Council are not those of the "independent" (*i.e.*, non-segregationist) private schools in the region may be seen in the remarks of the president of Atlanta's independent Westminster School made in 1969 to a group of independent school representatives in South Carolina:

> " . . . Boys and girls today must be trained for life in a world different from the one you and I have known. Surely, theirs will be a world in which distinctions in races and creed are minimized. Frankly, our children must learn to appreciate and live with black boys and girls."[11]

Yet the segregation academies have provided no opportunity for children of different races to learn to live together; rather, they have provided an opportunity for continued compartmentalization of the races. Though many may not do as reported of some South Carolina academies and give graduating seniors "survivor pins" with a Confederate flag with the word "Survivor" engraved on them,[12] all segregation academies clearly serve as weapons for those who oppose desegregation of our nation's schools.

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[10] Mondale Hearings at 1933.

[11] *Id.* at 1938.

[12] *Id.* at 1943.

In that sense, they undercut effective public school desegregation. One commentary has referred to "the debilitating psychological and sociological consequences, both to individuals and to local communities, of having thousands of young people isolated from the facts of racial heterogenity and democracy."[13] If private, all-white academies should be permitted to continue as bastions of racial exclusion, students will be deprived of the experience needed to operate, as the head of Atlanta's Westminster School said, "in a world in which distinctions of races and creed are minimized." But in fact, the academies communicate precisely the opposite message. As one witness before the Mondale hearings testified:

> "[T]heir presence in schools founded upon racial discrimination and supported to a large extent by people antagonistic towards the country's progress in civil rights (and, frequently, simply antagonistic towards the Constitutional, and toward the Christian precepts that many of the schools claim to embrace) inevitably must be a factor in what the children absorb."[14]

Another witness[15] testified that "white children know that their parents send them to the segregationist academies so they won't have to go to school with black children." She stated that the very existence of the schools sends a clear message to the students that "[y]ou are here because you are white and that is better than being black and we the adults of this community, your parents and teachers and churches, believe this doctrine and you should too." In

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[13] J. Waldon & A. Cleveland, *The South's New Segregation Academies*, Phi Delta Kappan, Dec. 1971, at 234, 239.

[14] Testimony of Reese Cleghorn, Director of the Southern Regional Council's Leadership Project (Mondale Hearings at 1936).

[15] Testimony of Winifred Green on behalf of the American Friends Service Committee (Mondale Hearings at 1198).

short, as this Court recognized in *Norwood v. Harrison*, 413 U.S. 455, 469 (1973):

> "The private school that closes its doors to defined groups of students on the basis of constitutionally suspect criteria manifests by its own actions, that its educational processes are based on private belief that segregation is desirable in education. There is no reason to discriminate against students for reasons wholly unrelated to individual merit unless the artificial barriers are considered an essential part of the educational message to be communicated to the students who are admitted."

This Court has decided that it will not tolerate state support of deliberate racial exclusion in these schools.[16] But even without formal state support, private all-white, racially-exclusionary academies inevitably will reinforce attitudes of white racial superiority and — now and in the future — undermine community attitudes of racial tolerance and understanding vital to the effective desegregation of the public schools.

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[16] This Court's decision in *Norwood v. Harrison*, 413 U.S. 455 (1973), striking down a Mississippi statute giving free textbooks to all students, including those in private segregated schools, is one example of a refusal to allow state support of such discrimination. Others include this Court's decision in *Gilmore v. City of Montgomery*, 417 U.S. 556 (1974), holding that a city was properly enjoined from permitting exclusive access to its recreational facilities by segregated private schools and associated groups. See also the lower court decisions, affirmed by this Court, barring state tuition grants to children attending segregation academies. (*See, e.g., Poindexter v. Louisiana Fin. Assistance Comm'n*, 275 F. Supp. 833 (E.D. La. 1967), *aff'd per curiam*, 389 U.S. 571 (1968); *Wallace v. United States*, 389 U.S. 215 (1967), *aff'g per curiam, Lee v. Macon County Bd. of Educ.*, 267 F. Supp. 458, 475-78 (M.D. Ala. 1967).

II. Segregation Academies Tangibly Injure the Public Schools by Draining Their Resources and Directly Competing for Their Constituencies.

Segregation academies have injured the public schools in their communities in a variety of important tangible ways. These academies, which differ in significant respects from traditional private schools, have grown in number and strength to a degree that they deprive parallel public school systems:

> — of students, teachers and administrators in significant numbers,
> — of substantial federal, state and local financial support, and
> — of community support vital both for bond issues to finance capital improvements and modernization and for the democratic interchange necessary if our public schools are to remain alert and responsive to community needs and committed to high educational standards.

Segregation academies have drained from the public schools valuable resources. These include significant numbers of teachers, administrators, and students, in the case of teachers and administrators, many "crossed-over" to the academies on the eve of public school desegregation rather than teach all-black or even biracial classes, and such "cross-over" faculty became the nuclei around wich the new schools were organized.[17] Moreover, white withdrawal from public schools, which appears to be closely correlated with percentages of blacks enrolled in the public schools,[18] has lowered public sup-

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[17] See discussion at pp. 7-12, *supra;* Palmer, *supra*, at 17-18; *Segregation Academies, supra*, 82 Yale L.J. at 1452, n. 83.

[18] See *Segregation Academies, supra* at 1451, n. 81.

port for those schools. As state assistance to the segregation academies, such as tuition grants from state governments, has been declared unlawful, financial pressure on lower and middle class families who must bear tuition costs for children in segregation academies has forced reduction in local school taxes needed to support the public systems.[19] Indeed, some areas have experienced significant declines in retail sales activity and tax collections, and increases in personal bank loans to families with children in the academies.[20]

As white withdrawal has caused an increase in the proportion of blacks in public school systems, and as new "private" white systems have arisen alongside them, financial support for public schools has been reduced both automatically — because fewer students have been in attendance[21] — and as a result of decisions by state and local governments and by citizens. Thus, local electorates have refused to approve new school bond issues, and bond issues that were approved before public school desegregation have not been funded.[22] Other instances of lowered support for public schools have been local school districts' decisions to reduce school taxes (paid, *inter alia*, by parents of students in the academies) and to reduce expenditures.[23] These decisions have been particularly evident in predominantly

[19] See *id.* at 1445, n. 60 for details concerning reductions in local school taxes after massive white withdrawals from the public schools.

[20] Mondale Hearings at 1947-50.

[21] *See, e.g.*, Ala. Code tit. 52, § 207 (2) (Supp. 1971); Ga. Code Ann. ch. 32-6 (1969); Miss. Code Ann. §§ 6248-01 to 6248-26 (Supp. 1972). For a discussion of the interrelationship between state funds and federal funds under the Emergency School Assistance Act, see *Segregation Academies, supra*, at 1452, n. 86.

[22] *See, e.g., United States v. Hinds County School Bd.*, 433 F.2d 605, 609 (5th Cir. 1970); *Franklin v. Quitman County School Bd. of Educ.*, 288 F. Supp. 509 (N.D. Miss. 1968).

[23] *See, Segregation Academies, supra*, at pp. 1455, n. 60, and 1452-53, n. 87; Mondale Hearings at 1944.

black school systems controlled by white or white-dominated school boards.[24]

The tuition burdens placed on parents of students in segregation academies have, as noted above, restricted the availability of public school financing. In addition, the more affluent parents historically have provided social, politicial, and economic leadership in their communities, and have provided leadership to community participation in the public schools — participation that enables the professional educators, teachers and administrators to respond to changing social values. Engagement of community leaders with public schools also is essential to keep the schools committed to high educational standards. If community leadership exhibits indifference to the quality of instruction in its public schools, that quality may be expected to decline.

As community leaders send their children to segregation academies, this type of community stimulation to the public schools declines. Moreover, as indicated above, it is the children of these leaders who are most likely to assume positions of influence in future years, and to the extent that they are indoctrinated with invidious concepts of separation of the races, the policies embraced by the nation, at least since the *Brown* decision, will be undermined. Segregation academies symbolize the unwillingness of important segments of the white communities to work with the public schools and to ease the racial and social transitions represented by *Brown v. Board of Education* and the historic developments of the more than two decades that have followed that decision.

That the segregation academies are affected with a public interest is reflected not only in their adverse impact

[24] *Segregation Academies, supra* at 1453, n. 87. *See, also, Palmer, supra*, at 19, *et seq.*; Mondale Hearings at 1939.

on public school desegregation and upon the public schools, but also, as the court below held, because the "actual and potential" constituency of the segregation academies "is more public than private" (A. 17) and that "[t]hey appeal to the parents of all children in the area who can meet their academic and other admission requirements." (*Id.*) This constituency consists of a broad segment of the white public that formerly patronized the public schools. The quasi-public nature of the segregation academies is also reflected in the public benefits — federal, state and local — that they have received. These benefits have included federal tax exemptions, and state textbook support, free transportation of students, free (or inexpensive) use of public property and facilities, pay of teacher salaries and valuable encouragement from public officials.[25] It is true that federal tax exemptions to segregation academies have been barred following *Green v. Connally*, 330 F. Supp. 1150 (D.D.C.), *aff'd mem. sub. nom. Coit v. Green*, 404 U.S. 997 (1971) and state textbook support has been outlawed following *Norwood v. Harrison, supra.* But that assistance nevertheless enabled the academies initially to grow and prosper.

[25] Mondale Hearings at 1939-41. For testimony on public school salaries to private school teachers, *see id.* at 999, 1147, 1786-87, 1853, 1968, 1972. *See, Segregation Academies, supra*, 82 Yale L.J. at 1446-47, and accompanying notes 61-67, for examples of such assistance and citations to lawsuits in which it has been attacked. Of particular interest is note 67, detailing various "unofficial" means, including "voluntary" assessments on local businesses, bank loans at favorable rates, labor union assistance in establishment of academies, and bonuses from employers to meet tuition payments, by which the segregation academies have been supported.

III. Because of the Public Impact of Racially Exclusionary Segregation Academies, This Court Should Hold that They are Within the Reach of 42 U.S.C. § 1981.

To permit the segregation academies to continue to discriminate with respect to admission policies would represent a retreat from this Court's holdings in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); *Sullivan v. Little Hunting Park, Inc.*, 396 U.S. 229 (1969); and *Tillman v. Wheaton-Haven Recreational Association*, 410 U.S. 431 (1973). The court below properly followed the teaching of those cases that 42 U.S.C. § 1981 prohibits racial discrimination in private contractual arrangements even without state involvement. While this Court in *Norwood v. Harrison, supra*, 413 U.S. at 463, indicated that "the Constitution may compel tolerance of private discrimination in some circumstances," that tolerance should not be extended to permitting segregation academies or other private schools to exclude qualified applicants solely because they are black. As this *amicus* has shown above, the impact of this segregation policy is significantly adverse to the interest of public education in the United States and undercuts the public school desegregation mandated by the *Brown* decision and subsequent decisions of this Court.

This Court's decisions in *Pierce v. Society of the Sisters*, 268 U.S. 510 (1925) and more recently in *Wisconsin v. Yoder*, 406 U.S. 205, 213 (1972) have long made it clear that the state's "paramount responsibility" to provide a public education may be "made to yield to the right of parents to provide an equivalent education in a privately operated system." But schools, whether public or private, perform a function quite distinct from purely private associations dealt with by this Court in the *Moose Lodge* and *Gilmore* cases.[26]

[26] *Moose Lodge No. 107 v. Irvis*, 407 U.S. 163 (1972); *Gilmore v. City of Montgomery, supra*, 417 U.S. at 572-75.

The impact, discussed above, of the segregation academies on the communities in which they operate and upon the public schools from which they have drawn away students and public support makes it particularly appropriate that they should now be held to be within the reach of 42 U.S.C. §1981. That statute, which guarantees to black citizens the right to make and enforce contracts on the same basis as white citizens, should be read by this Court, as it was below, to encompass the right of otherwise qualified black students to attend the academies, which presently, in the words of the court below (A. 15), "evidence 'no plan or purpose' of exclusiveness other than race."

CONCLUSION

For the reasons set forth above, as well as those set forth in Respondents' brief and the brief of the independent school *amici curiae*, the decision below should be affirmed.

Respectfully submitted,

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APPENDIX

Selected Reports on the Segregation Academy Movement

S. Blumenfeld.
HOW TO START YOUR OWN PRIVATE SCHOOL, AND WHY YOU NEED ONE (1972).

C. Brown and M. Provizer.
The South's New Dual School System: A Case Study, New South, Fall, 1972 at 59-72.

A. Champagne.
The Segregation Academy and the Law, Journal of Negro Education, Winter, 1973 at 58-66.

Citzens' Councils of America.
CITIZENS' COUNCILS AND PRIVATE EDUCATION (1966).

R. Cleghorn.
Segregation Academies: The Old South Tries Again, Saturday Review, May 16, 1970 at 76-77, 88-90.

A. Cleveland.
Alabama's Private, Nonsectarian Elementary and Secondary Schools in 1970 (1970). (Unpublished Ed.D. dissertation in Auburn University library.)

Colleges Accept 'Seg' School Grads.
Race Relations Reporter, November 16, 1970 at 10-11.

D. Green and W. Gauerke.
IF THE SCHOOLS ARE CLOSED: A CRITICAL ANALYSIS OF THE PRIVATE SCHOOL PLAN (1959).

N. McMillen.
THE CITIZENS' COUNCIL: ORGANIZED RESISTANCE TO THE SECOND RECONSTRUCTION, 1954-64 (1971).

J. Palmer.
Mississippi School Districts: Factors Related to the Disestablishment of Dual School Systems (1971). (Unpublished Ph.D. dissertation in Mississippi State University library.)

J. Palmer.
THE IMPACT OF PRIVATE EDUCATION ON THE RURAL SOUTH (1974).

J. Rarick.
Double Tax Standard Hurts Private Schools. The Citizen. April, 1973 at 23-24.

J. Sansing.
A Descriptive Survey of Mississippi's Private Segregated Elementary and Secondary Schools in 1971 (1971). (Unpublished Ed.D. dissertation in Mississippi State University library.)

W. Simons.
Council Schools "Wave of the Future". The Citizen. July-August, 1972 at 20-27.

T. Sizer.
THE AGE OF THE ACADEMIES (1964).

K. Terjen.
The Segregation Academy Movement. in THE SOUTH AND HER CHILDREN: SCHOOL DESEGREGATION 1970-71 (Southern Regional Council ed. 1971).

K. Terjen.
Close-Up on Segregation Academies. New South. Fall. 1972 at 50-58.

E. Tornquist.
Rebel Yell Academies. Ramparts. July. 1971 at 12. 14.

J. Walden and A. Cleveland.
The South's New Segregation Academies. Phi Delta Kappan. December. 1971 at 234-35. 238-39.

J. Wiles.
The New Independent Schools: A Study of School Characteristics and Parental Expectations in Florida (1972). (Unpublished Ed.D. dissertation in University of Florida library.)

J. Wiles.
Southern Alternative Schools: A Portrait. Educational Leadership. March. 1972 at 534-538.

J. Yeates.
Private Schools and Public Confusion. New South. Fall. 1970 at 83-85.